

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

COMMERCIAL CREDIT GROUP INC.,

Plaintiff,

v.

CASE NO. 1:19-cv-00558-KG-JHR

PROTEGE EXCAVATION, INC.,

Defendant.

AMENDED ORDER RESULTING FROM STATUS CONFERENCE

THIS MATTER HAVING COME BEFORE THIS COURT upon the status conference held on February 26, 2021, and attendance and information provided by Plaintiff Commercial Credit Group Inc. (“Commercial Credit”), through undersigned counsel, and non-appearance of Defendant Protégé Excavation, Inc., through Steven Vigil, the Court hereby finds and orders as follows:

1. Mr. Vigil is in violation of the Order entered on February 1, 2021, for failure to provide the required information no later than the February 8, 2021, deadline as set forth in the Order.

2. On February 26, 2021, Mr. Vigil submitted a late Affidavit signed by him before a notary, regarding the two remaining units of equipment (Kobelco ED160 and John Deere 350G or together, the “Equipment”). Mr. Vigil also submitted two Declarations of Stolen License Vehicle with the Taos County Sherriff’s Office as to the Equipment which each references an attached Offense/Incident Police Report. However, the Affidavit does not contain certain information and the referred Report is not attached to the Declaration.

3. Mr. Vigil shall submit a complete Affidavit with referenced documents, no later than March 3, 2021, and include the following:

a. Last known date and location of the Equipment, with street address, directions, GPS coordinates, or specific detailed directions. *See* February 1, 2021, Order ¶ 1 (Doc. 77);

b. The date of the last known location (or i.e. stolen/loss) of each unit of Equipment. *See* February 1, 2021, Order ¶ 1; and

c. Insurance information and claim. *See* February 1, 2021, Order ¶ 2 and 3 (Doc. 77).

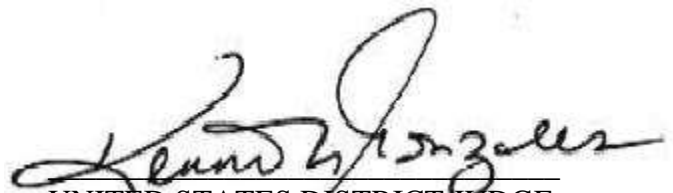
4. Mr. Vigil shall submit copies of the Offense/Incident Police Report, as referenced in the Declaration of Stolen License Vehicle with the Taos County Sherriff's Office, that he submitted to the Court on February 26, 2021, and a copy of insurance information and claims for the Equipment. *See* February 1, 2021, Order ¶ 4.

5. Commercial Credit shall notify the Court by noon, March 4, 2021, whether it has received the above information and documents from Mr. Vigil by the March 3, 2021, deadline.

6. Mr. Vigil has continuously failed to comply with the Court's Orders and deadlines and has failed to appear at the February 26, 2021, status conference despite the Court's sufficient notice, as ordered by the Court.

7. If Mr. Vigil fails to comply with this Order and fails to submit the necessary and complete Affidavit and documents by the March 3, 2021, deadline as stated herein this Court shall consider issuing another bench warrant for Mr. Vigil's arrest.

IT IS THEREFORE ORDERED.


UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

SNELL & WILMER L.L.P.

/s/Jeanne Y. Sohn

Jeanne Y. Sohn

201 Third St. NW, Suite 500

Albuquerque, NM 87102

Telephone: 602.382.6545

Facsimile: 602.382.6070

jysohn@swlaw.com

Attorneys for Plaintiff